

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 16, 2006

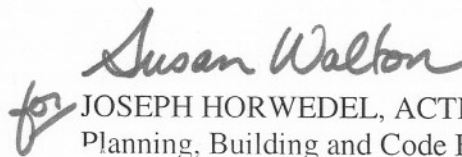
SUPPLEMENTAL TRANSMITTAL MEMO

COUNCIL DISTRICT: 4

SUBJECT: PDC03-099. PLANNED DEVELOPMENT REZONING FROM HI HEAVY INDUSTRIAL ZONING DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW PRIVATE SCHOOL USES (CHALLENGER SCHOOL) AT A FORMER PUBLIC SCHOOL FACILITY ON A 7.23 GROSS ACRE SITE LOCATED ON THE NORTH SIDE OF EAST GISH ROAD APPROXIMATELY 300 FEET WESTERLY OF OAKLAND ROAD

REASON FOR THE SUPPLEMENTAL

On May 12, 2006, subsequent to the distribution of the staff report and Council Memo, planning staff has received the attached letter from a neighboring property owner.


for JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Planning, Building and Code Enforcement at (408) 535-7800.

JOE'S CUSTOM FINISHING

1516 Berger Drive
San Jose, California 95112
(408)275-8165
Cell: (650)996-1558

May 12, 2006

Sent Via Fax and Regular Mail

City of San Jose
Attention: Sanhita Mallick
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, California 95113

RE: Public Hearing Notice - City Council Hearing
Tuesday, May 16, 2006
Planned Development Rezoning for Challenger School from HI to PD
File No. PDC03-099

Dear Ms. Mallick:

I am the owner of Joe's Custom Finishing and have a long-term lease to operate my business on the property located at 1516 Berger Drive which property abuts the Challenger School site.

I am writing to voice my concerns and/or objections to the potential rezoning of the Challenger School from HI Heavy Industrial to a PD Planned Development Zoning District to allow private school uses.

As indicated, the area is currently zoned for Heavy Industrial use and that use is being utilized by the majority of the businesses operating in the surrounding properties. These businesses need to be able to utilize certain mechanical and/or chemical materials in order to function effectively in producing the end product of the specific business entity.

Should Challenger be approved for rezoning, I believe it would open up a can of worms in regard to their ability to challenge (not just their children, but) the surrounding businesses. The school with its present zoning has previously provocatively opposed our business and the business in operation prior to ours. At the time of the opposition, one of the main defenses of the challenged party was the fact that Challenger was housed and operating on an inappropriately zoned site. If the school were to be granted the rezoning they are seeking, it would give them a far stronger position in their confrontation and harassment of the heavy industrial businesses surrounding them. Some of these businesses are long standing and would be extremely negatively effected by requirements potentially forced upon them in the future.

I, for one, vehemently oppose a change in the present zoning of the Challenger School for the reasons stated. Whether or not there is any action from the school targeted at the present surrounding operations, I believe that children should be housed in a location appropriately zoned for their well being, and I do not believe that a Heavy Industrial zoning meets that criterion.

Sanhita Mallick
May 12, 2006
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Although Challenger School is already operating on an improperly zoned site, there is a high probability that a change in the present zoning could and would influence additional levels of enrollment inadequately protecting an even larger number of children.

Pursuant to your telephone conversation with my associate, Ruth Lines, on today's date, you have assured us that there should be no immediate impact on our operation. You have also indicated that the potential zone change would be specific to Challenger School and not to the surrounding properties. If this does not reflect your understanding of the above, please advise us immediately.

I would still appreciate your consideration of our opposition to this change.

I would also appreciate your cooperation in forwarding this letter to all of the appropriate individuals prior to the hearing on May 16, 2006.

Your anticipated cooperation is greatly appreciated.

Very truly yours,



JOE DeLaTORRE

JD/re1